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10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN JOSE DIVISION

14 UNITED STATES OF AMERICA, }  
15 Plaintiff, }  
16 v. }  
17 HOSSEIN DABESTANI, }  
18 Defendant. }

No. CR 12-70743 HRL

STIPULATION AND [PROPOSED]  
ORDER EXTENDING TIME FOR  
PRELIMINARY HEARING AND  
EXCLUDING TIME FROM SPEEDY  
TRIAL ACT CALCULATION

20 With the agreement of the parties, and as set forth on the record on July 10, 2012,  
21 the Court enters this order setting a date for a preliminary hearing on September 6, 2012,  
22 at 9:30 a.m. before the duty magistrate judge, and documenting defendant Hossein  
23 Dabestani's consent to an extension of time for the preliminary hearing date under  
24 Federal Rule of Criminal Procedure 5.1(c) and (d) and the exclusion of time under the  
25 Speedy Trial Act, 18 U.S.C. § 3161, from July 10, 2012 to September 6, 2012.

26 The Court finds and holds, as follows:

27 1. The defendant is presently charged by criminal complaint for a violation of  
28 18 U.S.C. § 1960(a).

No. CR 12-70743 HRL  
ORDER EXTENDING TIME

1        2. With the defendant's consent, the twenty-one day time limit for a  
2 preliminary hearing or indictment under F.R.Crim.P. 5.1(c) is extended, and time is  
3 excluded from calculation of the thirty-day time limit for information or indictment under  
4 18 U.S.C. § 3161(b). The United States has provided materials to defense counsel and  
5 thus counsel will need time to review those materials, meet with the defendant and  
6 determine how to proceed. Accordingly, the extension and exclusion are required for  
7 effective preparation of defense counsel.

8           3. There is good cause for the extension under F.R.Crim.P. 5.1, and the  
9 exclusion under 18 U.S.C. § 3161, and that the ends of justice served by granting this  
10 continuance outweigh the best interests of the public and of the defendant in a speedy trial  
11 and the prompt disposition of criminal cases. 18 U.S.C. § 3161(h)(8)(A). The Court  
12 further finds that failure to grant the continuance would deny counsel for all parties  
13 reasonable time necessary for effective preparation taking into account the exercise of due  
14 diligence under 18 U.S.C. § 3161(h)(8)(B)(iv).

15       4. Accordingly, and with the consent of the defendant, the Court sets a date  
16 and orders that the period from July 10, 2012 to September 6, 2012 be excluded from the  
17 time period for preliminary hearings under Federal Rule of Criminal Procedure 5.1 and  
18 from Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

IT IS SO ORDERED.

DATED: 7/10/12

**HOWARD R. LLOYD**  
United States Magistrate Judge

No. CR 12-70743 HRL  
ORDER EXTENDING TIME